

PLAINTIFF'S APPENDIX I**PLAINTIFF'S RESPONSE TO DEFENDANTS' APPENDIX C: SUBSTANTIATED FACTS****CITED FROM OTHER CIVIL LITIGATION**

Where the Bank has cited to other complaints, it has not—as Defendants suggest—relied on “unsubstantiated” allegations. Rather, as noted below, the Bank has cited concrete facts described in those complaints, including facts based on loan-file reviews, statements from former employees, and the results of government investigations.

Para(s) in Am. Compl.	Case	Source(s) of Facts Cited
256, 828	Complaint, <i>United States v. Bank of Am. Corp.</i> , No. 1:12-cv-00361 (D.D.C., filed Mar. 12, 2012).	Department of Justice (DOJ) investigation
273-297	Pleadings, <i>SEC v. Mozilo</i> , No. CV 2:09-03994 (C.D. Cal., filed June 4, 2009).	SEC investigation; documents produced through discovery, including internal emails, memoranda, meeting minutes, presentations, and deposition testimony
298-99, 347	Complaint, <i>People v. Countrywide Fin. Corp.</i> , No. LC083076 (Cal. Super. Ct., filed June 24, 2008).	California Attorney General investigation
300-02, 347	Complaint, <i>People v. Countrywide Fin. Corp.</i> , No. 08-22994 (Ill. Cir. Ct., Ch., filed June 25, 2008).	Illinois Attorney General investigation
303, 347	Complaint, <i>State v. Countrywide Fin. Corp.</i> , No. 08-40390945 (Conn. Super. Ct., filed Aug. 5, 2008).	Connecticut Attorney General investigation
306, 343	Complaint, <i>Zachary v. Countrywide Fin. Corp.</i> , No. 08-0214 (S.D. Tex., filed Jan. 17, 2008).	Former Countrywide employee / Whistleblower

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307-13, 343	Class Action Pleadings, <i>Johnson v. KB Home</i> , No. 2:09-972 (D. Ariz., filed May 7, 2009).	Internal documents obtained in discovery
314-15	Complaint, <i>MBIA Ins. Corp. v. Countrywide Home Loans, Inc.</i> , No. 602825-2008 (N.Y. Sup. Ct., filed Sept. 30, 2008).	Re-underwriting of mortgage loans performed by MBIA
316-18	Complaint, <i>Ambac Assurance Corp. v. Countrywide Home Loans, Inc.</i> , No. 651612-2010 (N.Y. Sup. Ct., filed Sept. 28, 2010).	Re-underwriting of mortgage loans performed by Ambac
319-21	Complaint, <i>Fin. Guar. Ins. Co. v. Countrywide Home Loans, Inc.</i> , No. 650736-2009 (N.Y. Sup. Ct., filed Dec. 11, 2009).	Re-underwriting of mortgage loans performed by FGIC
322-25	Amended Complaint, <i>Syncora Guarantee Inc. v. Countrywide Home Loans, Inc.</i> , No. 650042/2009 (N.Y. Sup. Ct., filed May 6, 2010).	Re-underwriting of mortgage loans performed by Syncora
345-47	Complaint, <i>Commonwealth v. Countrywide Fin. Corp.</i> , No. 10-1169 (Mass Super. Ct.).	Massachusetts Attorney General Investigation.
358, 361-62, 581, 694, 707, 733	Pleadings, <i>Ambac Assurance Corp. v. EMC Mortg. LLC</i> , No. 650421/2011 (N.Y. Sup. Ct., filed July 18, 2011).	Internal documents produced in discovery; Re-underwriting of mortgage loans performed by Ambac
359-60	Complaint, <i>Fed. Hous. Fin. Agency v. JPMorgan Chase & Co.</i> , No. 1:11-cv-06188 (S.D.N.Y., filed Sept. 2, 2011).	Internal documents and emails from EMC

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363	Complaint, <i>Syncora Guarantee Inc. v. EMC Mortg. Corp.</i> , No. 1:09-cv-03106 (S.D.N.Y., filed Mar. 31, 2009).	Re-underwriting of mortgage loans performed by Syncora
364	Complaint, <i>Bear Stearns Mortg. Funding Trust 2007-AR4 v. EMC Mortg. LLC</i> , No. 7546-CS (Del. Ch., filed June 4, 2012).	Re-underwriting of mortgage loans performed by the Separate Trustee appointed on behalf of the Trust for the BSMF 2007-AR4 securitization.
381	First Amended Complaint, <i>Syncora Guarantee Inc. v. J.P. Morgan Sec. LLC</i> , No. 651566/2011 (N.Y. Sup. Ct., filed June 24, 2011).	Internal Bear Stearns email obtained in discovery
401-04, 407	Complaint, <i>MBIA Ins. Corp. v. IndyMac ABS, Inc.</i> , No. BC422358 (Cal. Super. Ct., filed Sept. 22, 2009).	Re-underwriting of mortgage loans performed by MBIA
405, 407	Complaint, <i>Syncora Guar. Inc. v. FDIC</i> , No. 1:08-cv-05842 (S.D.N.Y., filed June 27, 2008) (original caption: "XL Capital Assurance Inc. v. IndyMac Bank, F.S.B.>").	Re-underwriting of mortgage loans performed by Syncora
406-07	Complaint, <i>Fin. Guar. Ins. Co. v. IndyMac Bank, F.S.B.</i> , No. 1:08-cv-06010 (S.D.N.Y., filed July 1, 2008).	Re-underwriting of mortgage loans performed by FGIC
408	Complaint, <i>Deutsche Bank Nat'l Trust Co. v. FDIC</i> , No. 2:09-3852 (C.D. Cal., filed May 29, 2009).	Investigation by Trustee of numerous IndyMac PLMBS, including three of the Certificates
438-50	Pleadings, <i>People v. First Am. Corp.</i> , No. 406796-2007 (N.Y. Sup. Ct., filed Nov. 1, 2007).	New York Attorney General investigation; internal documents and emails produced in response to subpoena
456	Amended Complaint, <i>Deutsche Bank Nat'l Trust Co. v. FDIC</i> , No. 09-cv-1656 (D.D.C., filed Sept. 8, 2010).	Investigation by Trustee of numerous WaMu PLMBS

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484-85, 572, 575	<i>In re Wells Fargo Mortg.-Backed Sec. Litig.</i> , No. 5:09-cv-1376 (N.D. Cal., filed Mar. 27, 2009) (original caption: Gen. Ret. Sys. of City of Detroit v. Wells Fargo Mortg. Backed Sec. 2006-AR18 Trust).	Statements from confidential sources; internal AHM emails
505-06	Complaint, <i>People v. Wells Fargo & Co.</i> , No. 09-26434 (Ill. Cir. Ct., filed July 31, 2009).	Illinois Attorney General investigation
507-10	First Amended Complaint, <i>City of Memphis v. Wells Fargo Bank, N.A.</i> , No. 09-cv-2857 (W.D. Tenn., filed Apr. 7, 2010).	Sworn declarations from six former Wells Fargo employees
511-12	Third Amended Complaint, <i>Mayor and City Council of Baltimore v. Wells Fargo Bank, N.A.</i> , No. 08-cv-00062 (D. Md., filed Oct. 21, 2010) (Attachment A -Declaration of Elizabeth M. Jacobson).	Declaration from former Wells Fargo employee
534-40	Examiner's Report, <i>In re Lehman Bros. Holdings Inc.</i> , No. 08-13555 (Bankr. S.D.N.Y., unsealed Mar. 11, 2010).	Bankruptcy Examiner's Report; internal Lehman Brothers documents and emails
574, 576-80	Consolidated Amended Class Action Complaint, <i>In re Am. Home Mortg. Sec. Litig.</i> , No. 2:07-MD-1898 (E.D.N.Y., filed June 4, 2008).	Internal AHM documents and emails
594	Complaint, <i>Mass. Bricklayers v. Deutsche Alt-A Sec., Inc.</i> , No. 2:08-03178 (E.D.N.Y., filed June 18, 2009).	Statement from former AHM Vice President
594	Complaint, <i>Phoenix Light SF Ltd. v. Ace Sec. Corp.</i> , No. 650422/2012 (N.Y. Sup. Ct., filed May 14, 2012).	Statement from independent appraiser who performed appraisals for AHM

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610	Notice of Removal, Schwartz, as Trustee in Bankruptcy for <i>Roland Rodriguez v. Independent Appraisals, LLC</i> , No. 1:11-cv-11051 (D. Mass., filed June 13, 2011) (attaching Complaint, Schwartz, as Trustee in Bankruptcy for Roland Rodriguez v. Independent Appraisals, LLC., Civ. No. 2011-01411-A (Mass. Super. Ct.)).	Bankruptcy Trustee's review of mortgage application and appraisal reports.
611	First Amended Complaint, <i>Royster v. MortgagelT, Inc.</i> , No. 11-cv-00262 (C.D. Cal., filed Apr. 26, 2011).	Borrower allegations
612-13	Complaint, <i>Mayes v. MortgagelT, Inc.</i> , No. 3:07-cv-01642 (S.D. Cal., filed Aug. 20, 2007).	Borrower allegations
622	Complaint, <i>CitiMortgage, Inc. v. Silver State Fin. Servs., Inc.</i> , No 4:07-cv-01533 (E.D. Mo., filed Aug. 29, 2007).	Review of 48 loans by Controlling Person Defendant CitiMortgage, Inc.
624-26	Notice of Removal Ex. A, <i>City of Ann Arbor Emps.' Ret. Sys. v. Citigroup Mortg. Loan Trust, Inc.</i> , No. 2:08-cv-1418 (E.D.N.Y., filed Apr. 7, 2008) (Class Action Complaint, <i>City of Ann Arbor Emps.' Ret. Sys. v. Citigroup Mortg. Loan Trust, Inc.</i> , No. 08-005187 (N.Y. Sup. Ct., filed Mar. 19, 2008)).	Describing specific loans
647-53	Assurance of Discontinuance, <i>In re Morgan Stanley & Co. Inc.</i> , No. 10-2538 (Mass. Super. Ct., filed June 24, 2010).	Massachusetts Attorney General investigation

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734-35	Complaint, <i>Assured Guar. Corp. v. EMC Mortg. LLC</i> , No 650805/2012 (N.Y. Sup. Ct., filed Mar. 15, 2012).	EMC Independent Auditors Report for 2005 and 2006; other internal documents; depositions of two former Senior Managing Director
823-27	Complaint, <i>Commonwealth of Mass. v. Bank of Am., N.A.</i> , Civ. No. 11-4363 (Mass. Super. Ct., filed Dec. 1, 2011).	Massachusetts Attorney General investigation